IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.52230-M of 2006

DATE OF DECISION: OCTOBER 24, 2006

Dharam Pal

...PETITIONER

VERSUS

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. A.P.S.Deol, Advocate,
for the petitioner.

Mr.Partap Singh, Sr.DAG, Haryana.

...

Petitioner Dharam Pal apprehending his arrest in a non-bailable offence in case FIR No.179 dated 12.8.2006 registered under Sections 7/8, 10/55 of the Essential Commodities Act and Sections 420/467 IPC at Police Station Model Town, Rewari, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that the only allegation against the petitioner is that he was selling the diesel in black. He further contends that mere possession of diesel by a person, who is owning land and using the diesel for his own use, is no offence under the Essential Commodities Act. Counsel contends that in terms of the interim order dated August 31, 2006, the petitioner has joined the investigation. Counsel for the respondent-State does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above and for the reasons stated in the interim order dated August 31, 2006, the same is made absolute on the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter, the petitioner shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

October 24, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE